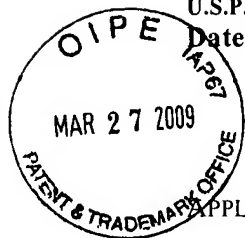


Date of Deposit: March 23, 2009

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Hornbeck, *et al.*  
ASSIGNEE: CELL SIGNALING TECHNOLOGY, INC.  
APPLICATION NUMBER: 10/807,799 Examiner: Minh Tam B. DAVIS  
FILING DATE: March 24, 2004 Group Art Unit: 1642  
FOR: ANTIBODIES SPECIFIC FOR THE BCR-ABL FUSION PROTEIN AND USES  
THEREOF  
CONFIRMATION NUMBER: 4415

Certificate of Mailing Pursuant 37 C.F.R. § 1.8

I hereby certify that this document is being deposited with the U. S. Postal Service with sufficient postage as first class mail pursuant to 37 C.F.R. § 1.8 on the date indicated below, and is addressed to: Mail Stop: Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: March 23, 2009

*Lisa M. Pappalardo*  
Lisa M. Pappalardo

Mail Stop: Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Attached hereto for filing in the above-identified provisional patent application are:

1. Transmittal Letter (1 page);
2. Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) - (17 pages);
3. Return Postcard.

Respectfully submitted,

*Andrew J. Warner*  
Andrew J. Warner, Esq., Reg. No. 56,049  
Associate Intellectual Property Counsel  
CELL SIGNALING TECHNOLOGY, INC.  
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Danvers, MA 01923  
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(978) 867-2343

Dated: March 23, 2009

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

CST-214

First named inventor: WETZEL, Randall K.

Application No.: 10/807,799

Filed: March 24, 2004

Art Unit: 1642

Examiner: Minh Tam B. Davis

Title: ANTIBODIES SPECIFIC FOR THE BCR-ABL FUSION PROTEIN AND USES THEREOF

Attention: Office of Petitions  
**Mail Stop Petition**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

- ☒ Small entity-fee \$ 810.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.  
~~Please charge our Deposit Account No. 50-1774 and charge any~~  
☐ Other than small entity - fee \$ (37 CFR 1.17(m))

~~\*shortage in fees that may be due to the same.~~

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of

(identify type of reply):

☐ has been filed previously on 03/30/2009 WASFAH1 00000008 501774 10807799  
☒ is enclosed herewith. 01 FC:2453 810.00 DA

B. The issue fee and publication fee (if applicable) of \$

- ☐ has been paid previously on  
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

March 23, 2009

Signature

Date

ANDREW J. WARNER

56,049

Typed or printed name

Registration Number, if applicable

CELL SIGNALING TECHNOLOGY, INC.

978-867-2343

Address

Telephone Number

3 Trask Lane, Danvers, MA 01923

Address

Enclosures: ☒ Fee Payment ☒ Authorization☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Amendment and Response under 37 C.F.R. §1.111**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.  
March 23, 2009

Date

*Lisa M. Pappalardo*  
Signature

Lisa M. Pappalardo

Typed or printed name of person signing certificate